

A Regular Meeting of the Village of Potsdam Board of Trustees was held on Monday, July 26, 2021 at 4:30 P.M., in the Civic Center Board Room, Park Street Potsdam, NY. The meeting was also streamed live to the Village's Facebook Page.

PRESENT: Deputy Mayor Warr
Trustees McKenna, Jacobs-Wilke
Trustees Lee via Zoom

ALSO PRESENT: Lori Queor, Village Clerk/Registrar
Cara Adams, Treasurer
Fred Hanss, Planning Director
Greg Thompson, Administrator
Jim Corbett, DPW Superintendent
Lisa Newby, Code Enforcement Officer
Trey Smutz, Recreation Director
Mark Murray, Police Chief (arrived at 5:16 p.m.)

Deputy Mayor Warr opened the meeting at 4:23 P.M and stated that all members were present with the exception of Mayor Tischler.

The Deputy Mayor then stated that the following sets of minutes had been submitted for Board acceptance:

May 17, 2021	Regular Meeting	4:30 p.m.
May 17, 2021	Executive Session	5:09 p.m.
May 24, 2021	Special Meeting	12:00 p.m.
May 24, 2021	Executive Session	12:04 p.m.

Motion was made by Trustee Jacobs-Wilke and Seconded by Trustee McKenna to accept the minutes as submitted. All were in Favor – None Opposed – Motion Carried.

Deputy Mayor's comments: None

Trustee's Comments:

Trustee McKenna – None

Trustee Lee – Community lost a strong community member – Pam Yurgartis – the entire community is mourning this loss.

Trustee Jacobs-Wilke – Would love to hear comments and have public input on the proposed development by the hospital. Would also like public input on the cannabis sales issue.

Administrator's Comments: Administrator Thompson provided a written report which is on file with the Village Clerk. He then went over his report with the board.

DPW Superintendent's Report: Superintendent Corbett provided a written report which is on file with the Village Clerk. He then went over his report with the board.

Public Comment: Matt Cooper of Barton & Loguidice gave the board an update on the Wastewater Treatment Plant upgrades.

Andrew Enslow of Hannawa Falls spoke regarding Postwood Beach, Summer Festival and gave the police department a plaque for their work during the pandemic.

Jody Wenzel from the St. Lawrence County Self Insurance Plan spoke regarding worker's compensation. He will be reaching out soon to schedule site visits.

Jeremy Slaga from St. Lawrence Health (Canton-Potsdam Hospital) addressed the board regarding the hospital's plans for expansion. He stated that the new bed tower is long overdue, they are at 100% capacity with zero covid patients, and the original footprint of the hospital is from 1930's and the last update was done in the 1960's. He further stated that they are busting at the seams, they are 13 beds under their license and they do not want to lose that licensure.

New Business:

Trustee Jacobs-Wilke Moved and Trustee McKenna Seconded a resolution approving the partial expenditures for the month of July 2021 in the amount of \$208,712.89 chargeable to the following funds:

General Fund	\$ 106,785.29
Water Fund	12,494.85
Sewer Fund	70,230.15
Hydro Fund	363.20
Trash Fund	18,100.00
Recreation Fund	<u>654.40</u>
TOTAL	<u>\$ 208,712.89</u>

Ayes 4	(Deputy Mayor Warr)	Nays 0
	(Trustee McKenna, Lee & Jacobs-Wilke)	

Trustee Jacobs-Wilke Moved and Trustee McKenna Seconded a resolution approving the additional expenditures for the month of June 2021 in the amount of \$428,295.26 chargeable to the following funds:

General Fund	\$ 186,008.78
Water Fund	53,397.20
Sewer Fund	23,997.46
Hydro Fund	1,568.35
Trash Fund	65.52
Payroll Fund	144,509.95
Recreation Fund	<u>12,170.10</u>
TOTAL	<u>\$ 428,295.26</u>

Trustee Jacobs-Wilke Moved and Trustee McKenna Seconded a resolution authorizing the Treasurer to pay the following invoice:

TO: Barton & Loguidice in the amount of \$4,749.53 for professional services rendered through June 2021 for the Potsdam Water Pollution Control Facility and Pump Station Construction Administration.

Ayes 4 (Deputy Mayor Warr) Nays 0
(Trustee McKenna, Lee & Jacobs-Wilke)

Trustee Jacobs-Wilke Moved and Trustee McKenna Seconded a resolution authorizing the Treasurer to pay the following invoice:

TO: AmStar of Western NY in the amount of \$382,337.00 for Payment Application #1 for the Repainting of the Clarkson Water Tower.

Ayes 4 (Deputy Mayor Warr) Nays 0
(Trustee McKenna, Lee & Jacobs-Wilke)

Trustee Jacobs-Wilke Moved and Trustee McKenna Seconded a resolution authorizing the Treasurer to pay the following invoice:

TO: Development Authority of the North Country in the amount of \$689.00 for professional services rendered through May 2021 for the Wastewater Treatment Plant Technical Services Agreement.

Ayes 4 (Deputy Mayor Warr) Nays 0
(Trustee McKenna, Lee & Jacobs-Wilke)

Trustee Jacobs-Wilke Moved and Trustee McKenna Seconded a resolution authorizing the Treasurer to pay the following invoice:

TO: Development Authority of the North Country in the amount of \$7,025.00 for professional services rendered through June 2021 for the Wastewater Treatment Plant Technical Services Agreement.

Ayes 4 (Deputy Mayor Warr) Nays 0
(Trustee McKenna, Lee & Jacobs-Wilke)

Trustee Jacobs-Wilke Moved and Trustee McKenna Seconded a resolution authorizing the Treasurer to pay the following invoice:

TO: Development Authority of the North Country in the amount of \$1,190.00 for professional services rendered through May 2021 for the SCADA Wastewater Treatment Plant Capital Improvement Agreement.

Ayes 4 (Deputy Mayor Warr) Nays 0
(Trustee McKenna, Lee &
Jacobs-Wilke)

Trustee Jacobs-Wilke Moved and Trustee McKenna Seconded a resolution authorizing the Treasurer to pay the following invoice:

TO: Development Authority of the North Country in the amount of \$15,856.75 for professional services rendered through June 2021 for the SCADA Wastewater Treatment Plant Capital Improvement Agreement.

Ayes 4 (Deputy Mayor Warr) Nays 0
(Trustee McKenna, Lee &
Jacobs-Wilke)

Trustee Jacobs-Wilke Moved and Trustee McKenna Seconded a resolution authorizing the Treasurer to pay the following invoice:

TO: Development Authority of the North Country in the amount of \$1,500.50 for professional services rendered through June 2021 for the WWTP Technical Services Agreement.

Ayes 4 (Deputy Mayor Warr) Nays 0
(Trustee McKenna, Lee &
Jacobs-Wilke)

Trustee Jacobs-Wilke Moved and Trustee McKenna Seconded a resolution authorizing the Treasurer to pay the following invoice:

TO: Passero Associates in the amount of \$8,019.01 for professional services rendered through May 2021 for the Parallel Taxiway Reconstruction at the Potsdam Airport FAA #3-36-0099-037-20.

Ayes 4 (Deputy Mayor Warr) Nays 0
(Trustee McKenna, Lee &
Jacobs-Wilke)

REMOVE:

RENTAL REVIEW BOARD

A Board duly authorized by the Potsdam Village Board to hear appeals submitted by rental owners cited for violations, and to determine if permit revocation is valid.

§ 134-3. Applicability.

C. Rental Occupancy Registration Required.

It shall be unlawful and a violation of this article for any owner of any rental property or rental dwelling unit in the Village to establish, maintain, use, let, lease, rent or suffer or permit the occupancy and use thereof as a rental occupancy without first obtaining and thereafter maintaining in full force and effect a Rental Permit and registration from the Village, as herein provided.

D. Registration of dwellings.

After the effective date of this chapter, all dwellings, as defined in § 134-2, within the Village will be required to be registered or reregistered with the Code Enforcement Officer, using the following schedule: upon change of ownership; or expiration of a valid Village of Potsdam safety and maintenance certificate. If the dwelling is an owner-occupied single-family dwelling, the owner shall fill out Section II on the required form and be exempt from the requirements of this chapter. If the building at any address is not used for dwelling purposes, the owner shall so state in Section II on the required form and the structure shall be exempt from the requirements of this chapter. Owners of all other dwellings shall make application, on the required forms, for a rental permit to the Code Enforcement Officer and shall state:

E. Conditions to be met; acknowledgement.

(1) Such application shall include an acknowledgement by the owner affirming that rental dwelling unit(s) meet the following conditions:

- (a) Rental properties and all rental dwelling units thereon shall comply with all applicable federal, state or local statutes, laws, ordinances, codes, rules or regulations, including the applicable provisions of the New York State-adopted rules of the Building Codes, as the same may, from time to time, be amended.
- (b) Operational smoke and carbon monoxide detectors as required by the NYS Fire Code.
- (c) Exterior walls, including foundations, shall be maintained. All exterior walls and foundations must be free of holes and crevices.

- (d) Exterior doors, windows, skylights and similar openings shall be maintained, secured and weathertight.
- (e) Exterior stairs, porches, entrance platforms, fire escapes and the railings thereon shall be maintained in a safe and sound condition.
- (f) Roofs shall be maintained in a weathertight condition, secured by normal means.
- (g) Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions.
- (h) Exterior surfaces shall be maintained in good condition.
- (i) Interior living spaces, including kitchen(s), bathroom(s), and bedroom(s), are in compliance with the NYS Building Codes.
- (j) Operable heating system.

F. Review of application.

The Code Enforcement Official shall review each application for completeness and accuracy. The Code Enforcement Official shall also review all available information to confirm that the rental property and all rental dwelling units thereon are in compliance with the NYS Building Codes or provisions of the Local Laws of the Village of Potsdam at the time the application is made. The application shall be accepted if, based on all such available information, such application is found to be complete and accurate.

G. Record of registrations.

It shall be the duty of the Code Enforcement Official to maintain a record of registrations pursuant to this article. Such register shall be kept by owner name and by street address, showing the name and address of the owner, the number of rental dwelling units at such street address, and the date of expiration of registration for such property. Each application shall be maintained in accordance with all record retention requirements applicable to the Village and shall be subject to public disclosure, inspection and copying in accordance with the requirements of the applicable law of the State of New York.

H. Penalties for offenses.

Any rental dwelling unit not registered pursuant to the provisions of this article shall not, after the effective date of this law be offered for rental. Any owner whose failure to comply with the provisions of this article results in legal action by the Village.

Article II. Rental Permit Applications

§ 134-4. Term of permits; renewal and posting.

AMEND:

D. After the effective date of this chapter, no person shall be granted a rental permit if that specific property is in violation of any Uniform Building Code or Village of Potsdam Code, ordinance or local law or if that applicant owes property taxes, water or sewer fees, special assessments, fines for violations of Village laws or any other fees or past due monies for any name or nature owed to the Village of Potsdam for that specific property.

- (a) The applicant shall have the burden of providing proof in a form acceptable to the department that there are no such violations or unpaid monies.
- (b) In the event that the applicant has accrued violations or unpaid monies, such rental permit application shall be denied if such violations or unpaid monies relate to a parcel of real property for which the application is made.

A rental permit issued under this chapter shall only be issued to the owner(s) of the real property at issue.

ADD:

H. All requirements set forth herein shall also apply to nonperson entities including but not limited to an LLC, Corporation or Trust. If an application for a rental permit is denied, then the owner shall have the right to appeal that decision to the Village of Potsdam Zoning Board of Appeals.

§ 134-5. Application for rental permit.

AMEND:

B. The application shall contain the following:

- (12) The owner(s) of the property or the managing agent, if applicable, shall submit only an application that is signed and verified on a form provided by the Village.
- (13) Payment of the rental permit application fee as set annually by the Village Board of Trustees.

134-6. Review of application; issuance of permit.

The Code Enforcement Office shall review each application for completeness and accuracy and shall make an on-site inspection of the proposed rental property. The rental permit may not be issued unless the application includes all of the requisite information and documents enumerated in §134-5 B (1) through (13). If satisfied that the proposed rental property substantially complies with the New York State Uniform Fire Prevention and Building Code¹ and the Code of the Village of Potsdam, the Code Enforcement Office may issue the permit or permits. No rental permit shall be issued if there are any violations of the New York State Uniform Fire Prevention and Building Code or the Code of the Village of Potsdam. No rental permit shall be issued if any violations or there remains any outstanding money owed as outlined in §134-4 (D).

1 Editor's Note: See Ch. 94, Fire Prevention and Building Code.

ARTICLE III Inspection and Revocation

§ 134-8. Use and occupancy requirements.

AMEND:

- A. No rental property shall be occupied by tenants unless such property has a current property registration and rental permit.
- B. An inspection shall be made by the Code Enforcement Officer according to the schedule listed in §134-4 E. Either a rental permit, renewal rental permit or a notice of violation shall be issued within five days from the date of such inspection.
 - (1) Any non-emergency violations that cannot be completed because of weather constraints may be granted a time extension by the Code Enforcement Officer. If during a scheduled inspection of a rental property the Code Enforcement officer observes violations which create an imminent risk to health, safety or welfare of the occupants or to the community, the Code Enforcement Officer may pursue condemnation of the premises. At such time an Order to Remedy will be issued and violations stated within this Order shall be corrected immediately.
- H. Retaliatory Actions.
 - (a) No Person shall institute or maintain an action for eviction because the occupant has reported a violation of this section or a related provision of the Village of Potsdam Local Law to the Code Enforcement Officer or other Village Employee.
 - (b) No person shall cause any service, facility, equipment or utility required under this section to be removed, shut off or disconnected in retaliation for a complaint.

§ 134-11. Revocation of permit.

AMEND:

- B. The permit holder may appeal such revocation to the Village of Potsdam Zoning Board of Appeals by written request, within 30 days from the date of such revocation. The Zoning Board of Appeals shall hold a public hearing on such appeal within 20 days after the receipt of written notice of such appeal and, after such hearing, shall make written findings and a decision either sustaining such permit revocation or reinstating such permit within 15 days after the close of such public hearing.

ADD:

§ 134-19. Severability.

Should any section or provision of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not effect the validity of the chapter as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

ARTICLE IV. Rental Review Board

REMOVE ENTIRELY

Section 3. Enactment.

This Local Law shall become effective immediately upon the notification of the filing of same with the Secretary of State.

ROLL CALL VOTE:

Ayes 4	(Deputy Mayor Warr) (Trustee McKenna, Lee & Jacobs-Wilke)	Nays 0
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Trustee Jacobs-Wilke Moved and Trustee McKenna Seconded a resolution classifying the proposed Sandstoner Park Arena Renovation Project as an Unlisted Action under SEQRA; further finding that the action will have no adverse impacts on the Village of Potsdam's Sandstoner Park and Pine Street Arena.

Ayes 4	(Deputy Mayor Warr) (Trustee McKenna, Lee & Jacobs-Wilke)	Nays 0
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